IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 10649 of 2006(P)

PETITIONER:

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1. M.R.BINU, S/O. KUNHAPPAN @ RAPHAEL,
   RATION CARD HOUSE NO.173, (TEMPORARY DOOR NO.544),
   MATHIRAPPILLY COLONY, EDAYAKUNNAM,
   VALOM DESOM, SOUTH CHITTOOR,
   ERNAKULAM DISTRICT.

2. ANTONY, S/O. LAWRENCE (TEMPORARY HOUSE
   NO.421), MATHIRAPPILLY COLONY,
   EDAYAKUNNAM, VALOM DESOM,
   SOUTH CHITTOOR,
   ERNAKULAM DISTRICT.

3. MERY DAS, S/O. JOHN,
   RATION CARD HOUSE NO.546, MATHIRAPPILLY COLONY,
   EDAYAKUNNAM, VALOM DESOM,
   SOUTH CHITTOOR,
   ERNAKULAM.

4. MERY @ MOLY, W/O. VARGHESE K.G.,
   RATION CARD HOUSE NO.588 A (TEMPORARY HOUSE
   NO.548), MATHIRAPPILLY COLONY,
   EDAYAKKUNNAM.

5. LYLA, W/O. LALU,
   D.S.HOUSE NO.347 A (TEMPORARY HOUSE NO.547),
   MATHIRAPPILLY COLONY, EDAYAKUNNAM, VALOM DESOM,
   SOUTH CHITTOOR,
   ERNAKULAM.

6. C.K.BAHULEYAN, S/O. KRISHNAN,
   (TEMPORARY HOUSE NO.545), MATHIRAPPILLY COLONY,
   EDAYAKKUNNAM, VALOM DESOM.

7. N.P.SHANAVAS, S/O. RUGMINI,
   (TEMPORARY HOUSE NO.339), MATHIRAPPILLY COLONY,
   EDAYAKKUNNAM.

8. ANTONY, S/O. FLORY JOHN
   (TEMPORARY HOUSE NO.547),
   MATHIRAPPILLY COLONY,

EDAYAKKUNNAM,
VALOM, DESOM.

9. THAMPY, S/O. RAGHAVAN,
(TEMPORARY HOUSE NO.551),
MATHIRAPPILLY COLONY,
EDAYAKKUNNAM,
VALOM DESOM.

10. RUGMINI, W/O. VINOD,
(TEMPORARY HOUSE NO.540),
MATHIRAPPILLY COLONY,
EDAYAKKUNNAM, VALOM DESOM.

11. RADHAMONY, W/O. KRISHNAN,
(TEMPORARY HOUSE NO.10),
MATHIRAPPILLY COLONY,
EDAYAKKUNNAM VALOM DESOM.

12. T.T.BABU, S/O. THANKAPPAN,
(TEMPORARY HOUSE NO.429),
MATHIRAPPILLY COLONY, EDAYAKKUNNAM,
VALOM DESOM,
SOUTH CHITTOOR, ERNAKULAM DISTRICT.

13. M.L.GEORGE, TEMPORARY HOUSE NO.421,
MATHIRAPPILLY COLONY,
EDAYAKKUNNAM, VALOM DESOM,
SOUTH CHITTOOR,
ERNAKULAM.

BY ADV. SRI.SARVOTHAMAN

RESPONDENTS:
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1. ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B. CENTRAL ELECTRICAL SUB-DIVISION,
ERNAKULAM.

2. ASSISTANT ENGINEER,
ELECTRICAL SUB DIVISION,
K.S.E.B., VADUTHALA,
KOCHI - 12.

3. SECRETARY,
CHERANALLOOR GRAMA PANCHAYATH (SPECIAL GRADE),
SOUTH CHITTOOR P.O.,
ERNAKULAM DISTRICT,
PIN - 682 027.

4. DISTRICT COLLECTOR,
ERNAKULAM CIVIL STATION,
ERNAKULAM.

5. TAHSILDAR,

KANAYANNUR TALUK,
KOCHI - 11.

6. VILLAGE OFFICER,
CHERANALLOOR VILLAGE OFFICE,
CHERANALLOOR,
ERNAKULAM DISTRICT.

7. ADDITIONAL DISTRICT MAGISTRATE,
ERNAKULAM.

8. RAPHAEL, S/O. VAREED,
MATHIRAPPILLY HOUSE,
VALOM, SOUTH CHITTOOR,
ERNAKULAM DISTRICT.

R1&2 BY ADV. SRI.P.P.THAJUDEEN, SC
R3 BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
R4 TO 7 GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 SERIES: TRUE COPY OF THE CONSENT LETTER TO PETITIONERS 3 TO 11 ISSUED BY R8.

P2: TRUE OCPY OF LOCAL SKETCH PLAN IN RESPECT OF PETITIONERS COLONY ISSUED BY R6.

P3: TRUE COPIES OF IDENTITY CARDS ISSUED TO THE PETITIONERS.

P3: TRUE COPY OF RATION CARD SUBMITTED BY 1ST PETITIONER AND PETITIONERS 3 TO 6.

P5: TRUE COPY OF COMPLAINT PETITION BY MASS MEMORANDUM BEFORE THE DISTRICT COLLECTOR ISSUED BY PETITIONERS.

P6: TRUE COPY OF COMMUNICATION DT.30.4.05 ISSUED BY TAHSILDAR TO THE DISTRICT COLLECTOR.

P7: TRUE COPY OF LETTER DT.6.8.05 OF R1 TO R4.

P8: TRUE COPIES OF THE NOTICES ISSUED BY R3 TO THE PETITIONERS IN MARCH 2006.

P9: RUE COPY OF THE COMMUNICATION TO THE PETITIONERS BY R1.

P10: TRUE COPY OF PROCEEDINGS DT.13.3.06 OF R7.

P11: TRUE COPY OF JOINT APPLICATION OF PETITIONERS BEFORE R6 DT.15.3.06.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.10649 of 2006

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Dated this the 15th day of June, 2007.

JUDGMENT

Petitioners are residents in a colony. They have constructed houses with consent from legal heir after death of owner of the property. KSEB has not given electricity connection to the houses on account of want of title. Similarly, the Panchayat has not given house numbers to the buildings. The 8th respondent who is one of the legal heirs of the deceased owner of the property, has given consent several years back for constructing houses. Obviously if petitioners were allowed to construct houses and are residing for long in these buildings, the other owners also will have no objection. In the circumstances, I do not think the KSEB and Panchayat are justified in not giving electric connection or in failing to give house numbers to these houses. The W.P. is therefore allowed directing KSEB to give connection to petitioners on usual terms without the requirement of production of title for the property but after house numbers are allotted by the Panchayat. There will be direction to the third respondent to give numbers to all these houses within a week from the date of production of copy of this judgment by the petitioners so that the KSEB will give connections with reference to

house-numbers. If the petitioners are dispossessed at any time, it is open to the KSEB to dismantle the connection and the Panchayat to cancel the house number given. Since the petitioners' houses are located close to the main road and it is a colony, KSEB is directed to give connections to all the applicants within three weeks from date of production of copy of this judgment.

C.N.RAMACHANDRAN NAIR
Judge

pms